
STATUTORY INSTRUMENTS

2012 No. 757

**The Social Security (Miscellaneous
Amendments) Regulations 2012**

PART 2

Amendments relating to paternity leave and paternity pay

Amendments relating to paternity leave and paternity pay: income support

- 3.—**(1) The Income Support Regulations are amended as follows.
- (2) In regulation 2(1) (interpretation) for the definition of “paternity leave”**(1)** substitute—
- ““paternity leave” means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996**(2)** or on additional paternity leave by virtue of section 80AA or 80BB of that Act**(3)**;”.
- (3) In paragraph 14B of Schedule 1B**(4)** (prescribed categories of person: paternity leave)—
- (a) in sub-paragraph (1) for “paternity leave” substitute “ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996”;
- (b) in sub-paragraph (2)(a) for “statutory paternity pay” substitute “ordinary statutory paternity pay”.
- (4) In paragraph 4A of Schedule 9**(5)** (sums to be disregarded in the calculation of income other than earnings) for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”.

Amendments relating to paternity leave and paternity pay: jobseeker’s allowance

- 4.—**(1) The Jobseeker’s Allowance Regulations 1996**(6)** are amended as follows.
- (2) In regulation 1(3) (interpretation) for the definition of “paternity leave”**(7)** substitute—
- ““paternity leave” means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act;”.
- (3) In Schedule 7**(8)** (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 4, for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”;

(1) The definition of “paternity leave” is inserted by [S.I.2002/2689](#).
(2) Sections 80A and 80B are inserted by section 1 of the Employment Act 2002 ([c.22](#)).
(3) Sections 80AA and 80BB are inserted by section 3 of the Work and Families Act 2006 ([c.18](#)).
(4) Schedule 1B is inserted by [S.I. 1996/2006](#). Paragraph 14B is inserted by [S.I.2002/2869](#). There are amendments not relevant to this instrument.
(5) Paragraph 4A is inserted by [S.I.1988/663](#).
(6) [S.I. 1996/207](#).
(7) The definition of “paternity leave” is inserted by [S.I.2002/2689](#).
(8) Paragraphs 4 and 5 are amended by [S.I.2002/2689](#).

- (b) in paragraph 5 for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”.

Amendments relating to paternity leave and paternity pay: state pension credit

- 5.—(1) The State Pension Credit Regulations 2002⁽⁹⁾ are amended as follows.
- (2) In regulation 1(2) (interpretation) for the definition of “paternity leave”⁽¹⁰⁾ substitute—
 ““paternity leave” means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act;”.
- (3) In regulation 15(1) (income for the purposes of the Act) for sub-paragraph (q) substitute—
 “(q) ordinary statutory paternity pay payable under Part 12ZA of the 1992 Act⁽¹¹⁾;
 (qa) additional statutory paternity pay payable under Part 12ZA of the 1992 Act;”.
- (4) In regulation 17A(2)⁽¹²⁾ (earnings of an employed earner) for sub-paragraph (i) substitute—
 “(i) ordinary statutory paternity pay payable under Part 12ZA of the 1992 Act;
 (ia) additional statutory paternity pay payable under Part 12ZA of the 1992 Act;”.

Amendment relating to paternity leave: employment and support allowance

6. In regulation 2(1) of the Employment and Support Allowance Regulations (interpretation) after the definition of “passenger” insert—
 ““paternity leave” means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act;”.

Amendments relating to paternity leave and paternity pay: housing benefit for those not of pensionable age

- 7.—(1) The Housing Benefit Regulations are amended as follows.
- (2) In regulation 2(1) (interpretation) for the definition of “paternity leave” substitute—
 ““paternity leave” means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act;”.
- (3) In regulation 28(14) (treatment of child care charges)—
 (a) in sub-paragraph (a)(iii), for “statutory paternity pay by virtue of section 171ZA or 171ZB of the Act” substitute “ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of the Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of the Act⁽¹³⁾”;
 (b) in sub-paragraph (b)(ii) and (iii), for “statutory paternity pay” in each place substitute “ordinary or additional statutory paternity pay”.
- (4) In regulation 35(1)(i) (earnings of employed earners) for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”.

⁽⁹⁾ [S.I.2002/1792](#).

⁽¹⁰⁾ The definition of “paternity leave” is inserted by [S.I.2003/2274](#).

⁽¹¹⁾ Part 12ZA of the Social Security Contributions and Benefits Act 1992 is inserted by section 2 of the Employment Act 2002 ([c.22](#)).

⁽¹²⁾ Regulation 17A is inserted by [S.I.2002/3019](#) and amended by [S.I.2002/3197](#).

⁽¹³⁾ Sections 171ZEA and 171ZEB are inserted by the Schedule to the Work and Families Act 2006 ([c.18](#)).

(5) In regulation 36(3)(d) (calculation of net earnings of employed earners) for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”.

Amendments relating to paternity leave and paternity pay: housing benefit for those of pensionable age

8.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**14**) are amended as follows.

(2) In regulation 2(1) (interpretation) for the definition of “paternity leave” substitute—

““paternity leave” means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act;”.

(3) In regulation 29(1)(j) (meaning of “income”), for paragraph (xvi) substitute—

“(xvi) ordinary statutory paternity pay payable under Part 12ZA of the Act;

(xvia) additional statutory paternity pay payable under Part 12ZA of the Act;”.

(4) In regulation 31 (treatment of child care charges)—

(a) in paragraph (14)(c) for “statutory paternity pay by virtue of section 171ZA or 171ZB of the Act” substitute “ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of the Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of the Act”;

(b) in paragraph (15)(b) and (c) for “statutory paternity pay” in each place substitute “ordinary or additional statutory paternity pay”.

(5) In regulation 35(1) (earnings of employed earners) for paragraph (i) substitute—

“(i) ordinary statutory paternity pay payable under Part 12ZA of the Act;

(ia) additional statutory paternity pay payable under Part 12ZA of the Act;”.

(6) In regulation 36(2)(d) (calculation of net earnings of employed earners) for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”.

Amendments relating to paternity leave and paternity pay: council tax benefit for those not of pensionable age

9.—(1) The Council Tax Benefit Regulations are amended as follows.

(2) In regulation 2(1) (interpretation) for the definition of “paternity leave” substitute—

““paternity leave” means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act;”.

(3) In regulation 18 (treatment of child care charges)—

(a) in paragraph (14)(c) for “statutory paternity pay by virtue of section 171ZA or 171ZB of the Act” substitute “ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of the Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of the Act”;

(b) in paragraph (15)—

(i) in sub-paragraph (b), for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”;

(ii) in sub-paragraph (c), after “statutory maternity pay” insert “, ordinary or additional statutory paternity pay”.

(4) In regulation 25(1)(i) (earnings of employed earners) for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”.

(5) In regulation 26(3)(d) (calculation of net earnings of employed earners) for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”.

Amendments relating to paternity leave and paternity pay: council tax benefit for those of pensionable age

10.—(1) The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006⁽¹⁵⁾ are amended as follows.

(2) In regulation 2(1) (interpretation) for the definition of “paternity leave” substitute—

““paternity leave” means a period of absence from work on ordinary paternity leave by virtue of sections 80A or 80B of the Employment Rights Act 1996⁽¹⁶⁾ or on additional paternity leave by virtue of sections 80AA or 80BB of that Act⁽¹⁷⁾”.

(3) In regulation 19(1)(j) (meaning of “income”), for paragraph (xvi) substitute—

“(xvi) ordinary statutory paternity pay payable under Part 12ZA of the Act;

(xvii) additional statutory paternity pay payable under Part 12ZA of the Act”.

(4) In regulation 21 (treatment of child care charges)—

(a) in paragraph (14)(c) for “statutory paternity pay by virtue of section 171ZA or 171ZB of the Act” substitute “ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of the Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of the Act”;

(b) in paragraph (15)(b) and (c) for “statutory paternity pay” in each place substitute “ordinary or additional statutory paternity pay”.

(5) In regulation 25(1) (earnings of employed earners), for paragraph (i) substitute—

“(i) ordinary statutory paternity pay payable under Part 12ZA of the Act;

(ia) additional statutory paternity pay payable under Part 12ZA of the Act”.

(6) In regulation 26(2)(d) (calculation of net earnings of employed earners), for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”.

⁽¹⁵⁾ S.I.2006/216.

⁽¹⁶⁾ Sections 80A and 80B are inserted by section 1 of the Employment Act 2002 (c.22).

⁽¹⁷⁾ Sections 80AA and 80BB are inserted by section 3 of the Work and Families Act 2006 (c.18).